



### REMARKS

Claims 1-16 remain pending in the present application. Claims 1, 2, 5, 7-9, 11, 12, 14 and 15 have been amended. Claim 16 is new. Basis for the amendments and new claim can be found throughout the specification, claims and drawings as originally filed.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5, 6, 8, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakaya et al., of record. Applicant respectfully traverses these rejections by the Examiner. There is absolutely nothing in Nakaya which discloses, teaches, suggest or even discloses the setting of different radio communication speeds.

The Examiner indicates the speed setting means 133 at column 4, lines 57-61. The control section 133, identified by the Examiner, has nothing to do with speed, it judges a proper encoding mode based on battery life. As stated in the background art (column 1, lines 26-30) image encoding is a technique for compressing image information so that the image information can be transmitted or stored. As stated in column 3, lines 6-10, Nakaya has a plurality of encoding modes with different power consumption upon execution and decoding information and control section 133 selects one of these encoding modes. Thus, by selecting a lower power consumption encoding mode, the number of calculations are reduced and power is conserved. There is nothing in Nakaya which discloses the rate at which the information is communicated, Nakaya is only concerned with the amount of information. Regardless of the amount of

information being transmitted in Nakaya, it is apparently all transmitted at the same speed.

The Examiner states that the rates in Nakaya are believed to inherently vary in communication rates in the same way as the instant invention. The only basis the Examiner has for this assumption is the specification of applicant's application. There is nothing in Nakaya or any of the other cited art which supports this assumption of inherently. While it may be true that the amount of time that the transmission for Nakaya is reduced due to a reduced amount of data, this is totally different than the speed at which it is transmitted.

Thus, applicant believes independent Claims 1, 5, 8 and 12 which define the setting of the speed of communication patentably distinguish over the art of record. Likewise, Claims 6 and 13 which ultimately depend from one of these independent claims are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### REJECTION UNDER 35 U.S.C. § 103

Claims 2-4, 7, 9-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakaya in view of Flynn, of record. Applicant respectfully traverses these rejections by the Examiner. Independent Claims 2 and 11 also include the limitation of a speed setting means (part) for setting different radio communication speeds. As discussed above and applicable here, Nakaya is directed towards the amount of information processed and is not concerned with the speed it is transmitted. Flynn is being used by the Examiner to provide battery charging means to a portable

device. The Examiner then states that it is inherent to detect the presence of the charging means without any support from any documents. In addition to not having support for the detecting means, Flynn does not provide the missing speed setting means that Nakaya is missing.

Thus, applicant believes independent Claims 2 and 11, patentably distinguish over the art of record. Likewise, Claims 3, 4, 7, 9, 10, 14 and 15 which depend from Claims 2 or 11 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIM 16**

New Claim 16 is an independent claim which includes the speed setting means which both decreases the speed and prohibits the image transmission based on the battery power.



It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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